

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MELVIN LOWE,
Plaintiff,
-vs-
MONTGOMERY COUNTY BOARD
OF EDUCATION, *et al.*,
Defendants.

Case No. 2:05-cv-495-WKW

MOTION FOR SUMMARY JUDGMENT
ON BEHALF OF DEFENDANTS

MONTGOMERY COUNTY BOARD OF EDUCATION,
VICKIE JERNIGAN, MARK LABRANCHE, TOMMIE MILLER,
MARY BRIERS, DAVE BORDEN, HENRY A. SPEARS,
BEVERLY ROSS, AND DR. CARLINDA PURCELL

COME NOW the Montgomery County Board of Education, the individual Board members and the Superintendent, Defendants in the above-styled cause, and pursuant to *Federal Rule of Civil Procedure* 56, move this Honorable Court to grant summary judgment in their favor in that there is no genuine issue of material fact to be submitted to a jury and judgment should be entered for Defendants as a matter of law as to all Plaintiff's claims against them. In support of this motion, these Defendants rely upon the following:

1. All pleadings filed in this matter.
2. Exhibits 1 through 84, attached hereto, and specifically:

- Exhibit "1" Deposition of Melvin Lowe
- Exhibit "2" Professional Certificate for Melvin Lowe
- Exhibit "3" Affidavit of Jimmy Barker
- Exhibit "4" August 9, 1999 Letter of Appointment
- Exhibit "5" Deposition of Jimmy Barker
- Exhibit "6" June 20, 2000 Letter of Appointment

Exhibit "7" Complaints Regarding Vera Thompson

Exhibit "8" June 28, 2001 Letter Confirming Transfer

Exhibit "9" February 21, 2002 Letter of Administrative Leave

Exhibit "10" February 25, 2002 Investigation Memorandum

Exhibit "11" Investigative Packet

Exhibit "12" March 18, 2002 Letter of Reprimand

Exhibit "13" May 27, 2002 Letter of Nonrenewal

Exhibit "14" October 22, 2003 Letter of Appointment

Exhibit "15" November 12, 2003 Corrected Letter of Appointment

Exhibit "16" Deposition of James Owens

Exhibit "17" Position Announcement for Teacher-Tutor

Exhibit "18" October 13, 2003 Personnel Action Report

Exhibit "19" PEPE Evaluation

Exhibit "20" May 19, 2004 Letter of Nonrenewal

Exhibit "21" August 17, 2004 Letter of Appointment

Exhibit "22" Deposition of Carlinda Purcell

Exhibit "23" June 23, 2005 Email from Jimmy Barker

Exhibit "24" June 22, 2005 Email to Carlinda Purcell

Exhibit "25" EEOC Charge of Discrimination

Exhibit "26" October 15, 2004 Request for Professional Leave

Exhibit "27" December 3, 2004 Email from Mike Looney

Exhibit "28" December 3, 2004 Email to Carlinda Purcell

Exhibit "29" February 22, 2005 Request for Professional Leave

Exhibit "30" December 3, 2004 Email to Carlinda Purcell

Exhibit "31" February 16, 2005 Letter to Carlinda Purcell

Exhibit "32" June 23, 2005 Email to Jimmy Barker

Exhibit "33" Affidavit of Sophia Johnson

Exhibit "34" Position Announcement for Schoolwide Instructional Assistant

Exhibit "35" Professional Certificate for Pamela Cloud

Exhibit "36" December 16, 2004 Personnel Action Report

Exhibit "37" Affidavit of Tina Minott

Exhibit "38" Position Announcement for Administrative Assistants

Exhibit "39" Deposition of Bobby Abrams

Exhibit "40" June 24, 2004 Personnel Action Report

Exhibit "41" Deposition of David Sikes

Exhibit "42" Position Announcement for Administrative Assistants

Exhibit "43" Deposition of Quesha Starks

Exhibit "44" Position Announcement for Various Teaching Positions

Exhibit "45" September 20, 2005 Personnel Action Report

Exhibit "46" Position Announcement for Reading Coach

Exhibit "47" October 18, 2005 Personnel Action Report

Exhibit "48" Position Announcement for Administrative Assistant

Exhibit "49" August 18, 2003 Personnel Action Report

Exhibit "50" Professional Certificate for Jessietta Crawford

Exhibit "51" Position Announcement for Educational Specialist

Exhibit "52" June 24, 2004 Personnel Action Report

Exhibit "53" Professional Certificate for Connie Mizell

Exhibit "54" Position Announcement for Educational Technology Professional Development Program Coordinator

- Exhibit "55" Professional Certificate for Kevin Culpepper
- Exhibit "56" Letter of Interest from Kevin Culpepper
- Exhibit "57" Professional Certificate for Angela Mangum
- Exhibit "58" Position Announcement for Title I Schoolwide Instructional Assistants
- Exhibit "59" Professional Certificate for Schoolwide Instructional Assistants
- Exhibit "60" Position Announcement for Administrative Assistant
- Exhibit "61" July 23, 2002 Personnel Action Report
- Exhibit "62" Professional Certificate for Gloria Odutola
- Exhibit "63" Position Announcement for Elementary Teachers
- Exhibit "64" September 25, 2003 Personnel Action Report
- Exhibit "65" August 16, 2005 Personnel Action Report
- Exhibit "66" Position Announcement for Administrative Assistants
- Exhibit "67" Professional Certificates for Administrative Assistants
- Exhibit "68" Position Announcement for Educational Specialist in Office of Student and Community Services
- Exhibit "69" June 28, 2005 Personnel Action Report
- Exhibit "70" Professional Certificate for Susan Terrell
- Exhibit "71" Position Announcement for Title I Program Evaluator
- Exhibit "72" Position Announcement for Title I Teacher Tutor
- Exhibit "73" Professional Certificate for Essie Baker
- Exhibit "74" December 16, 2004 Personnel Action Report
- Exhibit "75" Position Announcement for Reading Specialists
- Exhibit "76" Professional Certificate for Karen Vann
- Exhibit "77" Professional Certificate Inquiries for Annette Sikes
- Exhibit "78" Position Announcement for Math Specialists

Exhibit "79" January 27, 2005 Personnel Action Report

Exhibit "80" May 16, 2005 Personnel Action Report

Exhibit "81" Professional Certificates for Math Specialists

Exhibit "82" Position Announcement for Title I Schoolwide Instructional Assistants

Exhibit "83" Professional Certificate for Schoolwide Instructional Assistants

Exhibit "84" Position Announcement for District Resource/Attendance Officer

3. Memorandum Brief in Support of Defendants' Motion for Summary Judgement, filed contemporaneously with this motion.

WHEREFORE, These Premises Considered, the Montgomery County Board of Education, the individual Board members and the Superintendent request summary judgment be granted in their favor and all Plaintiff's claims against them be dismissed as a matter of law.

Respectfully submitted this the 3rd day of April 2006.

MONTGOMERY COUNTY BOARD OF
EDUCATION, VICKIE JERNIGAN, MARK
LABRANCHE, TOMMIE MILLER, MARY
BRIERS, DAVE BORDEN, HENRY A.
SPEARS, BEVERLY ROSS, and
DR. CARLINDA PURCELL, Defendants,

By: /S/ James R. Seale

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date electronically filed the foregoing *Motion for Summary Judgment On Behalf of Defendants Montgomery County Board of Education, Vickie Jernigan, Mark Labranche, Tommie Miller, Mary Briers, Dave Borden, Henry A. Spears, Beverly Ross, and Dr. Carlinda Purcell* with the Clerk of the Court for the United States District Court, for the Middle District of Alabama, using the CM/ECF system which will send notification of such filing to: William F. Patty, Esquire (bpatty@beersanderson.com) this the 3rd day of April, 2006.

/S/ James R. Seale